

# HISTORY OF THE HAYWOOD CASE

Startling Revelations of Crime and Outrage That Astounded the Whole World. Enormous Influences on Both Sides, Great Legal Talent.

After two months and a half of international sensation, affecting every district of the country and every grade of society, the trial of William D. Haywood, secretary of the Western Federation of Miners, charged with complicity in a plot which led to the murder of ex-Governor Frank Steiuenberg, of Idaho, has come to its final scene, and Haywood has been acquitted.

The criminal trial has been international in importance, coming to be regarded on one side as an attempt by the powers of capital to wipe out, not only a strong labor movement, but the hope of the socialistic propaganda of the country as well. On the other side it has been sworn to be the revelation of the lengths to which the heads of one labor movement would go to wreck a private vengeance and gain a private, personal end. It began as one murder case alone, but evidence as to seven other murders has been admitted. The locale of the one case was in Idaho, but more testimony of crimes committed in Colorado has been taken.

Ex-Governor Frank Steiuenberg was assassinated at the gate of his home in Caldwell, Idaho, on the evening of December 30, 1905. The man was blown to atoms by a bomb. Steiuenberg had been Governor for two terms from 1896, and he was the State's Executive during the troubles in the Colorado district of anarchy there. The Bunker Hill and Sullivan mines, at Wardner, had been blown away, and non-union miners had been driven away, and much property destroyed otherwise. Federal troops were called in, and then there was established the famous "bullpen," in which all characters thought to be dangerous were rounded up. Only men bearing permits could walk about or work. The operators won, and Steiuenberg was thereafter admittedly an object of hatred to federation members.

**Orchard Arrested.**

A man of the name of Henry Orchard was arrested in a hotel in Caldwell a few hours after the murder, and in his room was found plenty of material for the manufacture of bombs. He was rushed to the Boise penitentiary, and the detectives went to work on him. Among them was James McFarland, superintendent of the Western Federation of Miners. McFarland is famous for having unearthed the notorious "Molly Maguire" conspiracy of Pennsylvania in the early seventies, by which a score of men were hanged. McFarland labored with the prisoner almost every day, and the detective, President Moyer, of the Western Federation of Miners; Haywood, the secretary, and George A. Pettibone were arrested in Denver, and it was admitted they were spirited to Idaho on a special train before they had an opportunity of fighting extradition, seeking counsel or communicating with friends. L. A. Simpkins, another power in the order, fed before indictment.

**Had Great Power.**

Lodged in the Boise prison, they drew to their aid the great power not only of the Federation, but of every socialistic organization of the country. Habeas corpus proceedings were instituted, which were carried to the Supreme Court of the United States, where the decision was again against the defendants. The case was advanced toward trial, and both sides began the work of preparation. The State of Idaho, it is admitted, bore only a small share of the actual expense, the command mine operators of all the Western States being willing to help, while on the other side the defendants were aided by the contributions of their brother socialists. There has not been a time in a year that some work in their behalf has not been going on in New York City, but all this never attracted widespread attention, as the President Roosevelt's "undesirable citizen" letter came out in connection with the E. H. Harriman controversy. That cemented the forces for and against the men, and it appeared as if both sides deliberately entered on a battle to sway public opinion or blind it.

Newspapers were started by both sides, speakers campaigned for the defendants. There was a parade of 40,000 persons in New York City, and a monster meeting at the Grand Central Palace, in the city, in which the State stirred the community, but even if it was not prepared for the startling revelations later on.

**Competent Attorneys.**

Haywood, surrounded by a corps of highly-paid and competent attorneys, was called for trial at Boise on May 16th. Among his counsel were Clarence S. Darrow, of Chicago; E. F. Richardson, a law partner of ex-Senator Patterson, of Colorado; and others, while the district attorney was aided by Senator Borah, one of the best advocates of the West.

It took nearly a month to procure a jury of twelve to try Haywood. There were examined in this time 248 tales-

house at 7:30. The attorneys arrived just before 8 o'clock.

Haywood entered court at 7:45 o'clock and smiled his customary greeting to lawyers and newspaper men. He had lain down most of the night and had had some sleep.

At 7:58 o'clock the three jurors filed in. As the clerk began to call the roll, the ticks of the clock on the wall sounded like blows from a sledge. Then Judge Wood asked:

**The Verdict, Not Guilty.**

"Gentlemen of the jury, have you agreed upon a verdict?"

Haywood turned his single eye on the twelve men.

"We have," came the response from James Gess, who handed a plain white envelope to the court.

Judge Wood delved into the envelope, hesitated, looked again, and then,

with some amazement, said:

"There is nothing in here."

"There is the right envelope in your coat pocket," said Judge Wood to Mr. Gess. The foreman was palpably nervous, and this incident added materially to the suspense felt by all in the courtroom. The second envelope was handed up. Judge Wood glanced at it and tossed the paper to the clerk, who read:

"The State of Idaho against William D. Haywood: We, the jurors in the above entitled case, find the defendant, William D. Haywood, not guilty. Thomas B. Gess, foreman."

**Wanted to Make Speech.**

Then came the congratulations of Haywood, in the midst of which Judge Wood said: "The defendant will be discharged and the jury dismissed for the time."

Haywood had desired to make a speech to the jurors, but finally contented himself with expressing his thanks personally to each one.

"If any of you ever come to Denver," he said to the men as they were leaving the courtroom, "you will always find a welcome at the Haywood home."

Haywood received scores of telegrams of congratulation from all parts of the country. Many were from individuals and many more from labor and socialistic organizations. Eugene V. Debs was among the first to send greetings.

**TO ENLIST MORE NEGROES FOR PHILIPPINE SERVICE**

HOUSTON, TEX., July 28.—The recruiting office of the Regular Army here to-day received instructions to enlist for the colored cavalry exceptionally desirable negroes, the first enlistments of negroes since the Brownsville affair. The four negro regiments in the Regular Army are now in the Philippines, and those now enlisted will be sent to the Orient to join these regiments.

## PRENTIS AGREES WITH GOVERNOR

(Continued from First Page.)

that Judge Pritchard had no jurisdiction, no right to issue his restraining order, because the commission, in establishing the two-cent rate, had not violated the Federal Constitution.

"It is manifest," said Attorney General Anderson, in his brief submitted to Judge Pritchard in Asheville, "that the sections of the Virginia Constitution and the statutes from which the commission derives its existence and its powers, violate no provisions of the Federal Constitution, are in conflict with no principle essential to the preservation of liberty, but are competent, valid and constitutional enactments, and that the judgments and orders of the tribunal thus constituted cannot be collaterally attacked in this or any other court, and can only be reviewed, brought in question, and, if erroneous, be reversed and set aside by the Court of Appeals of the State or by the Supreme Court of the United States in the regular and orderly mode of procedure as prescribed by the Constitution and laws of the State and of the United States."

Though there is more or less clamor from some quarters that the State should proceed more hastily, the conditions are said by lawyers to be such that the Virginia case will be decided by the United States Supreme Court in advance of the North Carolina case, even if the latter should be presented first. But, as explained time and again, no record can go there until October.

**Position of S. A. L.**

In connection with the fact that the Seaboard Air Line is obeying the State law in North Carolina, and still charging the old rate in Virginia, while it has not sought a restraining order, the company occupies a position which is rather novel.

It is not required, for instance, to issue coupons, for the reason that it made no protest, and in effect, is violating no Virginia law because no two-cent rate exists. In taking the case, it is presumed that the Seaboard would obey the order of the Corporation Commission if it should be completed by publications for a term of four weeks. The company, therefore, saves attorneys' fees and costs and enjoys the fruits of the litigation, while in no way a party to it.

**History of Case.**

The order of the Corporation Commission, reducing passenger rates on steam railroads in Virginia, was issued on April 15th. After five months of exhaustive examination of witnesses, most of whom represented the railroads and practically all of whom contended that the lower tariff would seriously affect the revenue of each company concerned.

On the same day, the order as to freight rate reduction was handed down, the examination of that question having covered a period of more than two years.

No formal argument was submitted at the close of the evidence, there having been continual argument while the various questions were under consideration. The commission took six weeks to agree upon its order, having gone over every detail with thoroughness and care. The order was signed by Judge Beverly T. Crump, president, Henry C. Stuart and Joseph E. Willard. A few weeks later Judge Crump resigned, and Judge Prentiss was appointed by Governor Swanson to fill the seat thus vacated.

**Under the Filling, which was to become effective July 4th, after publication in a newspaper at Richmond once a week for four subsequent weeks, the following railroads were required to sell tickets at a maximum rate of two cents per mile:**

The Norfolk and Western. The Chesapeake and Ohio. The Atlantic Coast Line. The Seaboard Air Line. The Southern Railway. The Richmond, Fredericksburg and Potomac. The Washington-Southern Railway.

The New York, Philadelphia and Norfolk Railway. The Virginia and Southwestern Railway. The Louisville and Nashville Railway.

**Two and a Half.**

The following roads were allowed a maximum rate of two and a half cents a mile, the minimum fare to be not less than:

Norfolk division of the Southern Railway, from Norfolk to Danville, 204 miles.

Franklin branch, from Franklin Junction to Rocky Mount, 37 miles.

Claremont branch, from James River Junction to Claremont, 50 miles.

**Three-Cent Maximum.**

The following roads were named as Class B, and are allowed to charge a maximum fare of three cents a mile:

The Chesapeake Western. The Cumberland Valley and Martinsburg. The Danville and Western. The Indian Creek and Pound River.

The Marion and Rye Valley. The Nelson and Albemarle. The Valley Railway. The Virginia-Carolina Railway. The Winchester and Strasburg. The Norfolk and Southern.

**Three and a Half.**

The following roads were named as Class C, and are allowed to charge a maximum fare of three and a half cents a mile:

The Big Sandy and Cumberland. The Big Sandy and Potomac. The Interstate Railroad. The Lake Creek and Lake Erie. The Mount Airy and Eastern. The New River, Holston and Western. The Potomac, Fredericksburg and Piedmont. The Surry, Sussex and Southampton. The Tidewater and Western. The Virginia Anthracite Coal and Iron Company. The Virginia and Kentucky. The Wise Terminal Company.

**HOKE SMITH PRAISES GLENN**

Says the Action of Pritchard is Improbable.

[Special to The Times-Dispatch.] ATLANTA, GA., July 28.—"The conduct of Judge Pritchard has been impressive," said Hoke Smith today. "Each State owes it to her citizens to protect them in the matter of freight and passenger rates. The right of the State in this respect is only limited by that provision of the Constitution of the United States which forbids the confiscation of property. This question involves an investigation of facts. It is not simply a question of law. The State through duly constituted authorities determines that a rate is reasonable before fixing it. No judge should set aside the solemn decision of a State upon the expert advice of a railroad official. In the North Carolina case Judge Pritchard went even to the extent of seeking to stop the State in the criminal courts of the State. This conduct on his part passes comprehension. It is the duty of State and Federal judges to exercise the greatest caution to avoid each other. Judge Pritchard sought to set aside the action of the



## NEW VICTOR RECORDS

For August, 1907, on sale throughout America

# TO-DAY

All vocal selections have accompaniments by the Victor Orchestra

**8-inch 35 cents each**

**Arthur Pryor's Band**  
 Victor Orchestra  
 By Right of Sword March (579)  
 Maiden's Blush Schottische (579)  
 Tenor Solo by Harry Tally  
 Duet by Collins and Harlan  
 Won't you let me put my arms around you? (579) Adams

**Laughing Song by Cal Stewart**  
 1'm Old but I'm Awfully Tough (599)  
 Whistling Solo by Mrs. Alice J. Shaw  
 Mansfield (574) Robyn  
 Tenor Solo by Byron G. Harlan  
 Playing Hide and Seek (579) Duval

**10-inch 60 cents each**

**Arthur Pryor's Band**  
 The Peacemaker March (519) 10 inch  
 Red Mill March (555) 10 inch  
 Midsummer Waltz (514) 10 inch  
 Monastery Bells (579) with chimes 10 inch  
 Rosema Overture (569) 10 inch  
 The Lion Chase (564) 10 inch  
 Victor Orchestra Walter B. Rogers, Conductor  
 A Hunt in the Black Forest (564) 10 inch  
 (A Descriptive Musical Episode)  
 Four new Coon Songs by May Irwin  
 Mat-r-mony (519) 10 inch  
 May Irwin's Frog Song (519) 10 inch  
 Don't Argue (519) 10 inch  
 When You Ain't Got No Money You Needn't Come Around (568) 10 inch  
 Violin and Cornet Duet by D'Almaine  
 and Kenke  
 Thou Art to Me a Flower (578) 10 inch  
 Duet by Collins and Harlan  
 Love Me and the World is Mine (519) 10 inch  
 Bell Solo by Chris Chapman  
 Sunbeam Dance (579) 10 inch  
 Three Records by Alice Lloyd  
 May, May, May (519) 10 inch  
 Young Men Lodgers (579) 10 inch  
 Never Introduce Your Bloke to your Lady Friend Le Brun (519) 10 inch

**12-inch \$1.00 each**

**Whistling Solo by Alice J. Shaw**  
 In Venice (579) 10 inch  
 Songs by Billy Murray  
 It's Great to be a Soldier Man (568) 10 inch  
 Nestle by My Side (568) 10 inch  
 Tenor Solo by Harry Macdonough  
 Sweet Juliette (579) 10 inch  
 Tenor Solo by Harry Tally  
 A Friend of Mine Told a Friend of Mine (568) 10 inch  
 Tenor Solo by Byron G. Harlan  
 A Little Suit of Blue (568) 10 inch  
 Duet by Stanley and Macdonough  
 The Fishermen (568) 10 inch  
 Duet by Collins and Harlan  
 Many's the Time (568) 10 inch  
 Duet by Miss Jones and Mr. Murray  
 Kiss, Kiss, Kiss (If You Want to Learn to Kiss) (568) 10 inch  
 Male Quartet by the Haydn Quartet  
 When You Know You're Not Forgotten by the Girl You Can't Forget (568) 10 inch  
 In the Wildwood Where the Blue Bells Grow (568) 10 inch

**Red-Seal Records**

**Three New Homer Records**  
 by Louise Homer, Contralto  
 Ten-inch, \$2 each  
 Les Filles de Cadix (87008)  
 At Parting (87009)  
 The Lost Chord (88088)  
 Duet by Homer and Abbott  
 Twelve-inch, \$4  
 Martha—Mesta ogør (Ah These Tears) (89009)  
 Flotow  
 Baritone Solo by Emilio de Gogorza  
 Twelve-inch, \$1.50  
 Caro mio ben (74068)  
 Giordani  
 Nine Records  
 by Nielsen and Constantino  
 of the San Carlo Opera Company  
 Alice Nielsen, Soprano  
 Ten-inch, \$1 in Italian.  
 La Traviata—Addio del passato (64068) Verdi  
 Twelve-inch, with orchestra, \$1.50 in Italian  
 La Bohème—Mi chiamo Mimì (74062) Puccini  
 Any Victor dealer will gladly play these records for you.

**Victor Talking Machine Co.**  
 Camden N. J., U. S. A.

Write for free catalogue of over 3000 Records

## Married Women

Every woman covets a shapely, pretty figure, and many of them deplore the loss of their girlish forms after marriage. The bearing of children is often destructive to the mother's shapeliness. All of this can be avoided, however, by the use of Mother's Friend before baby comes, as this great liniment always prepares the body for the strain upon it, and preserves the symmetry of her form. Mother's Friend overcomes all the danger of child-birth, and carries the expectant mother safely through this critical period without pain. It is woman's greatest blessing. Thousands gratefully tell of the benefit and relief derived from the use of this wonderful remedy. Sold by all druggists at \$1.00 per bottle. Our little book, telling all about this liniment, will be sent free.

The Bradford Regulator Co., Atlanta, Ga.

## Mother's Friend

## BONAPARTE SPEAKS ON RATE QUESTION

(Continued from First Page.)

ment to take any further action to guard against such contingency.

Mr. Sanford found, however, that there was a serious danger of prolonged conflict of jurisdiction between the Federal and the State tribunals. Such incidents have been declared by the Supreme Court of the United States and are regarded by the bench and bar as extremely unfortunate, tending to impair the dignity of the courts, and to diminish public respect for the court.

**Suggested Arrangement.**

"It has been the consistent policy of the department to aid in avoiding, as far as it might have any opportunity to do so, complications of this character, and in accordance with this policy Mr. Sanford suggested to the parties concerned a reasonable arrangement intended to secure an expeditious termination of the questions at issue by the Supreme Court of the United States without impairing the ultimate rights of any party to the litigation.

"It proved impracticable to conclude such an arrangement while he was in North Carolina, and he left there Friday afternoon and came to Lexington personally to the situation to the Attorney-General.

**Won't Express Opinion.**

"The department learns through the newspapers that since his departure an arrangement was executed between the railroad and the State of North Carolina. As to the character of this arrangement or the attending circumstances, the department has no knowledge, and it neither entertains nor expresses any opinion, such matters being entirely without its province.

"It is proper to say that, beyond receiving and referring to the Attorney-General a single telegram, the President has had no personal connection with the entire transaction, and the printed reports representing him as giving instructions in connection with the case are altogether without foundation. The suggestions which have appeared in the press to the effect that a request for military assistance or other extraordinary measures of that character were also

**JOHNSTON WILL SUCCEED PETTUS**

(Continued from First Page.)

United States Senator from Alabama, was embarked to-day at Hot Springs, and will be shipped to-morrow afternoon to the Senator's old home in Selma, Ala. The body, which will leave on a special train, will be accompanied by a number of United States Senators, who will act as an escort of honor.

According to present arrangements the funeral of the late Senator Pettus will be held at Hot Springs, N. C., last night, will occur at Selma, Ala., Tuesday afternoon. The body will be taken aboard a train on the Southern Railway leaving Hot Springs for Selma, Ala., at noon to-morrow.

The funeral party, consisting of representatives of both houses of Congress and members of the late Senator's family, will arrive at Selma Tuesday morning, and the funeral exercises will be held at 10 o'clock the same afternoon. The late Senator's granddaughter, Miss Bessie Roberts, and his grandson, Edward W. Pettus, Jr., will accompany the body to its resting-place.

**Committees From Congress.**

The committee appointed by Vice-President Fairbanks to represent the Senate at the funeral at Selma, follows: Senators Bankhead, Allison, Cullum, Daniel, Warren, Day, Overman, McNary, Scott, Knapp, William Alden Smith, Rayner, Tallarfer, Malloy and Simmons.

Speaker Cannon has appointed the entire Alabama delegation to represent the House of Representatives, consisting of Representatives Taylor, Wiley, Clayton, Boyie, Hefflin, Burnett, Richardson and Underwood, and also Representatives Brownlow, Padgett, Thomas, of North Carolina; Hay, of Virginia, and Finley, of South Carolina.

**THE WEATHER**

Forecast: Virginia—Partly cloudy Monday; probably occasional showers; Tuesday, partly cloudy; showers in south portion; light south winds, becoming variable.

North Carolina—Partly cloudy Monday and Tuesday; with occasional showers; variable winds.

**CONDITIONS YESTERDAY.**

Richmond's weather was clear and cool. Thermometer at midnight, 76.

**CONDITIONS IN IMPORTANT CITIES**

(At 8 P. M., Eastern Time.)

Place.	Ther. H. T. Weather.
Albany, N. C.	76 81 Clear
Albany, N. Y.	76 81 Rain
Albany, Ga.	82 88 P. cloudy
Albany, N. Y.	76 80 Rain
Chicago, Ill.	76 80 Rain
Cincinnati, O.	74 80 Rain
Davenport, Ia.	78 80 Clear
Detroit, Mich.	72 71 Rain
Hartford, Conn.	78 82 Clear
Indianapolis, Ind.	78 88 Rain
Kansas City, Mo.	74 74 Rain
Memphis, Tenn.	80 82 Cloudy
New Orleans, La.	82 82 Rain
Oklahoma City, Okla.	84 80 Rain
Pittsburg, Pa.	74 78 Cloudy
Raleigh, N. C.	80 88 Clear
Savannah, Ga.	80 88 Cloudy
St. Louis, Mo.	78 84 Cloudy
Tampa, Fla.	78 88 Rain
Washington, D. C.	74 82 Cloudy
Wilmington, N. C.	72 82 Cloudy
Yellowstone, Wyo.	62 72 Rain

**MINIATURE ALMANAC.**

Sup. rises... 5:12  
 Moon sets... 11:12  
 High tide... 1:12  
 Low tide... 7:12